



## **Determination No. 2 – Municipal Administrative Fees**

**March 24, 2005**

There is need to clarify applicable municipal administrative fees that can be charged telecommunication providers for access to and ongoing use of existing and/or new telecommunication facilities in public rights-of-way regarding construction, installation, or maintenance of the facilities. Sections 4(1) and 5(1) of the METRO Act respectively state:

“4 (1) Except as otherwise provided by this act, after the effective date of this act, a municipality in a metropolitan area shall not enact, maintain, or enforce an ordinance, local law, or other legal requirement applicable to telecommunication providers that is inconsistent with this act or that assesses fees or requires other consideration for access to or use of the public rights-of-way that are in addition to the fees required under this act.”

5 (1) A provider using or seeking to use public rights-of-way in a metropolitan area for its telecommunication facilities shall obtain a permit under section 15 from the municipality and pay all fees required under this act. Authorizations or permits previously obtained from a municipality under section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, satisfy the permit requirement of this section.”

### **METRO Authority Determinations**

#### **A. Provider Municipality Permits**

Telecommunication providers, pursuant to Section 5(1) of the METRO Act, are required to obtain permits from municipalities to perform work regarding their facilities (existing or new) in municipality public rights-of-way. This includes permits for excavations, installations, inspections, consultations, maintenance, constructions, etc. related to telecommunication facilities in a municipality’s public rights-of-way.

#### **B. Municipality Administrative Fees**

Municipalities, pursuant to Section 13 of the METRO Act, cannot charge the telecommunication providers any administrative fees related to permits obtained for work being done to telecommunication facilities in the municipality’s public rights-of-way, including permits for:

Street openings – curb openings (driveway) – alley openings – street/margin openings – borings - wells – inspections – maintenance – other provider work related to access to and ongoing use of existing and/or new telecommunication facilities.

Section 8 of the METRO Act requires telecommunication providers to pay the state “annual maintenance fees” as assessed by the METRO Authority. These maintenance fees are, subsequently, disbursed to municipalities. Further, these maintenance fees, effective November 1, 2002, replaced the municipality’s local administrative fees that providers formerly paid for permits for street cuts, excavations, inspections, etc. for access to and/or use of the municipality’s public rights-of-way.